

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF WEST VIRGINIA  
AT CHARLESTON

SHIRLEY RENEE ROWE,

Plaintiff,

v.

Civil Action No. 2:15-14560

NANCY A. BERRYHILL,

ACTING COMMISSIONER OF SOCIAL SECURITY,

Defendant.

MEMORANDUM OPINION AND ORDER

The court having received the Proposed Findings and Recommendation of United States Magistrate Judge Dwane Tinsley, entered on February 24, 2017; and the magistrate judge having recommended that the court grant plaintiff's Brief in Support of Judgment on the Pleadings; and the magistrate judge having further recommended that the court deny the Commissioner's Brief in Support of the Defendant's Decision, reverse the final decision of the Commissioner, remand this case for further proceedings, and dismiss this matter from the court's docket; and no objection having been filed to the Proposed Findings and Recommendation, it is ORDERED that:

1. The findings made in the Proposed Findings and Recommendation of the magistrate judge be, and they hereby are,

adopted by the court and incorporated herein;

2. Plaintiff's Brief in Support of Judgment on the Pleadings be, and it hereby is, granted to the extent it seeks remand;

3. The defendant's Brief in Support of the Defendant's Decision be, and it hereby is, denied;

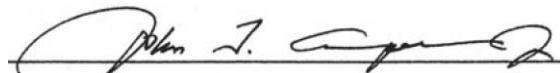
4. The decision of the Commissioner be, and it hereby is, reversed;

5. That this action be, and it hereby is, remanded for further proceedings, pursuant to sentence four of 42 U.S.C. § 405(g), which proceedings shall include consideration of plaintiff's new medical records that were admitted into evidence by the Appeals Counsel, as more fully discussed in the magistrate judge's proposed findings and recommendations; and

6. This civil action be, and it hereby is, dismissed and stricken from the docket of the court.

The Clerk is directed to forward copies of this order to all counsel of record and the United States Magistrate Judge.

DATED: March 14, 2017



John T. Copenhaver, Jr.  
United States District Judge